DETAILED ACTION

Response to Amendment

1. Amendment to the claims received 10/28/2011 has been entered. Claims 1 and 9 have been amended. Claim 6 has been canceled.

Response to Arguments

2. Applicant's arguments filed 10/28/2011 have been fully considered but they are not persuasive.

Applicant argues with respect to amended independent claims 1 and 9 which incorporate claim 6, that Oliver et al. does not teach or suggest arrest elements on the mobile element as the stops are on a firmly secured base which is fixed to an engine.

The examiner disagrees and feels that the two references (Ali et al., and Oliver et al.) would result in the claimed invention With respect to the arrest elements Oliver et al. discloses the use of the arrest elements on a base plate supporting the tensioner arms and intended to be secured to an engine. Ali et al. also discloses the use of a base plate which supports the tensioner arm and is secured to the engine. The examiner feels that one of ordinary skill in the art would have found it obvious to modify Ali et al. with the teachings of an arrest elements on the base plate of Oliver as both references disclose similarly structured tensioners. Additionally, as stated in the previous office actions, the base plate 50 of Ali et al., which reads on the "mobile element" of the claims, is capable of achieving the recited functionality as the base plate is pivotable if the fixing element is not secured tightly.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-4, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ali et al. (US 2002/0039944 A1) in view of Oliver (US 2003/0216203 A1).

As per claim 1, Ali et al. discloses a tensioner for a belt of a drive of a motor vehicle, comprising:

a first (16) and a second (26) idle pulleys designed to co-operate with respective belt runs of said belt (32, 34, Fig. 1, Fig. 2);

a first arm (42) bearing said first idle pulley, said first arm being hinged about a mobile axis (40);

a second arm (44) hinged to said first arm about the mobile axis and bearing said second pulley;

elastic means (38) acting at least indirectly on said arms for tensioning said belt and a mobile element (50) distinct from said first and second arm and mobile during functioning

operation, said mobile axis being substantially perpendicular to and carried by said mobile element, said mobile element changing positions in reaction to changes in tensioning action on the belt runs, said positions being determined by an equilibrium caused by said changes in tensioning action (Fig. 5, Fig. 6, the arms are mounted to the mobile element 50 which is then secured to an engine or other element, Fig. 6 shows a hole for mounting, it is noted that depending on how tight the mobile element 50 is secured, the mobile element is either stationary or able to move, if the mobile element is not stationary, the mobile element will rotate as the tensioner changes position to establish tension in the belt).

Ali et al. fails to explicitly disclose arrest components co-operating with the arms for limiting opening of said arms with respect to one another.

Oliver et al. discloses belt tensioner having a first arm (124) and a second arm (125) for supporting a first (126) and a second (127) idler pulley, said first arm and said second arm being biased into engagement with a belt by means of a biasing element or spring (128), and wherein each arm has an arresting element (166, 167) for cooperating with an arresting element (130, 131) of the mount (122) for the purpose of limiting the movement of the arms.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tensioner of Ali et al. to include arresting components for limiting opening of said with respect to one another, as taught by Oliver et al., for the purpose of limiting the motion of the arms.

As per claim 2, Ali et al. discloses the mobile element is hinged about a fixed axis (Fig. 6, mounted through the hole).

As per claim 3, Ali et al. discloses the elastic means are carried on said mobile element (Fig. 5, the elastic element is carried on the mobile axis via the arm 42).

As per claim 4, Ali et al. discloses that said elastic means co-operate with one of said arms and with said mobile element (Fig. 5, the elastic means is supported between the arms 42 and 44, which are carried by the mobile element and the mobile axis 40).

As per claim 9, Ali et al. discloses a belt drive tensioner comprising:

first (16) and second pulleys (26 operating with a belt running over the pulleys (Fig. 1, Fig. 2) ;

a mobile element (50) including a first end portion rotatable about a fixed axis (Fig. 6, hole shown in Fig. 6) at a hinge and a second end portion opposite to the first end portion, the second end portion being rotatable about a mobile axis (40);

a first arm (42) rotatably coupled to said mobile element about the mobile axis, said first pulley being mounted on the first arm (Fig. 5);

a second arm (44) rotatably coupled to said first arm and to said mobile element about the mobile axis (40, Fig. 5), said second pulley being mounted on the second arm; and

elastic means (38) acting at least indirectly on said arms to generate a tensioning force;

said mobile element changing positions in reaction to changes in tensioning action on the belt, said positions being determined by an equilibrium caused by said changes in tensioning action (Fig. 5, Fig. 6, the arms are mounted to the mobile element 50 which is then secured to an engine or other element, Fig. 6 shows a hole for mounting, it is noted that depending on how tight the mobile element 50 is secured, the mobile element is either stationary or able to move, if

the mobile element is not stationary, the mobile element will rotate as the tensioner changes position to establish tension in the belt).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tensioner of Ali et al. to include arresting components for limiting opening of said with respect to one another, as taught by Oliver et al., for the purpose of limiting the motion of the arms.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA MOMPER whose telephone number is (571)270-5788. The examiner can normally be reached on M-F 8-5, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Robert A. Siconolfi/
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